FREEDOM COURT REPORTING

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 1              IN THE UNITED STATES DISTRICT COURT

 2             FOR THE EASTERN DISTRICT OF TEXAS

 3                     MARSHALL DIVISION

 4              CASE NO. 2:08-cv-422 TJW

 5       _____

 6       _____

 7       PATTY BEALL, MATTHEW

 8       MAXWELL, TALINA MCELHANY AND

 9       KELLY HAMPTON, individually

10       and on behalf of all other

11       similarly situated;

12       Plaintiffs,

13       vs.

14       TYLER TECHNOLOGIES, INC., AND

15       EDP ENTERPRISES, INC.,

16       Defendants.

17       _____

18       _____

19                 DEPOSITION OF TRAVIS VOID

20

21       At Raleigh, North Carolina

22       July 29, 2010

23       2:25 p.m. - 4:30 p.m.

24       Reported by:  Rebecca L. Crunk
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 1                    A P P E A R A N C E S

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 3   For the Plaintiffs:      Laureen F. Bagley, Esq.

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 8

 9   For the Defendants:      Paulo B. McKeeby, Esq.

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2   T A B L E   O F   C O N T E N T S

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11   E X H I B I T S

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1   available on the drop down box, and I think you said

2   you weren't sure.

3   A.   Not sure.

4   Q.   What does training phase one mean? I mean, what type

5   of training is done in phase one or when you entered

6   that for that week in January, what type of training

7   were you assigning the phase one designation?

8   A.   Phase one is usually financials training, depending

9   on how the client bought the software.

10   Q.   Okay. And when you say financials training, what

11   does that mean? Does that mean training end users

12   how to utilize the software? Does it mean training

13   people as to setting up the system or something else?

14   A.   That would encompass all with that for financials.

15   Q.   And that's all -- would all be included under phase

16   one training.

17   A.   To my understanding, yes.

18   Q.   In terms of your job at Tyler Technologies as an

19   implementation consultant, what other types of

20   training are there other than what you've described

21   just now?

22   A.   Outside of financials training?

23   Q.   Yeah. Well, or phase one. You've -- I want you to,

24   if you can, provide a list to me of the different --

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1        I don't know if it's easier to call them phases for

2        you, or if it's better to break it into subject

3        matters.

4    A.  Subject matters.

5    Q.  That's your preference?

6    A.  Yes.

7    Q.  Okay.  So we've talked about setting up the system.

8        I'm going to call that one aspect of training; is

9        that fair?

10   A.  Yes.

11   Q.  And you talked about end user training, I mentioned

12       that and you agreed.

13   A.  Yes.

14   Q.  What other designations or descriptions of training

15       are there?

16   A.  Conversion training.

17   Q.  Anything else?

18   A.  Setup, conversion, implementation training, post live

19       support.

20   Q.  Is implementation training the same as end user

21       training?

22   A.  End user training is encompassed into implementation

23       training.

24   Q.  Okay.  And are you also at the client's site when
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1   they go live?

2   A.   Yes.

3   Q.   Can we call that go live support?

4   A.   Yes.

5   Q.   Is that what you call it?

6   A.   Yeah. We do call it go live support.

7   Q.   Okay. So you've just told me of the different types

8   of functions that you perform at the customer sites,

9   training regarding setting up the system,

10   implementation training, conversion training.

11   A.   Yes.

12   Q.   Go live support and post live support.

13   A.   Yes. You may want to flip the implementation

14   training and conversion training. Conversion comes

15   first.

16   Q.   Okay. With that listing of those different

17   functions, what percentage of your job as an

18   implementation consultant have we discussed? In

19   other words, I don't know, you may have liked that

20   question, but I didn't.

21   Of these five different categories of functions, all

22   of which -- these are all performed at the customer

23   site.

24   A.   Yes.

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1   Q.   Okay. What percentage of your overall -- I

2   understand some of this that could be done remotely.

3   A.   Right.

4   Q.   Okay. Forget about remote or on site at this point,

5   but I want to get a sense of what percentage of your

6   job do these five components make up. Is this half

7   of your job, 75 percent of your job? And I know

8   we're not going to get a precise percentage, but an

9   approximation.

10   A.   Right. That's basically all of my job. The stuff

11   that's not included -- I guess what's not -- like,

12   what's not included here is what happens off site.

13   Q.   At the office.

14   A.   No. Like, in the hotel room or in the airport or on

15   the weekend when you're answering an email or you're

16   trying to figure out some more stuff that's going on

17   with the software.

18   Q.   Okay.

19   A.   So that's what all I include here is, like, on site.

20   None of the off site stuff is here. That's why it's

21   40 hours here.

22   Q.   Right. But what about the work at the office that's,

23   I think we saw one of the designations, as

24   administrative?

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 1   A.   Yes.  That is --

 2   Q.   That's another.

 3   A.   That's another function, right.  That's another

 4        function.  So I guess that would be -- that would be,

 5        like, I guess 50 percent because if I'm in the

 6        office, then I'm using a template to actually update

 7        documents that are on the knowledge base, follow up

 8        on some support work, do my time sheets, do my

 9        expense reports, get prepared for an upcoming client,

10        and that would be, like, my administrative type work.

11   Q.   Okay.  Same question.  What you've just described as

12        your administrative office work, and you've broke it

13        down into different components, and I'm not saying

14        that those are all the different components of what

15        you do at the office, but what percentage of your job

16        is spent at the office doing these -- for example,

17        these types of administrative functions that you've

18        just listed?

19   A.   When I'm in the office, what percentage?

20   Q.   No.  I mean overall, so overall percentage of your

21        job is working at the office handling, for example,

22        these kinds of administrative functions.

23   A.   Okay.  And then what percentage is -- what percentage

24        is on site?
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1   MS. BAGLEY: I'm going to object to the form.

2   BY MR. McKEEBY:

3   Q.   Okay. I'll see if I can't -- I'll do the math after

4   that or I'll help you. We can do it together.

5   But first let's focus on this question which is: How

6   much of your job is typically, and I know it's going

7   to change --

8   A.   Administrative.

9   Q.   -- but, typically, I'm not trying to pin you down

10   into a specific percentage, but I want to get a ball

11   park.

12   A.   Right. Probably about 30 percent.

13   MS. BAGLEY: Object to the form.

14   BY MR. McKEEBY:

15   Q.   So roughly approximately 30 percent of your time is

16   spent at the office.

17   A.   Roughly.

18   Q.   And that's been at least fairly consistent throughout

19   your employment with Tyler depending on how busy you

20   were with respect to out of -- out of office visits?

21   Obviously, it sounds like if you're slower, you're

22   probably in the office more.

23   A.   Right.

24   Q.   Okay. Let me go back to these different -- these

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 1       five different types of training that you described.

 2       And before I do that ask you:  How do you know as an

 3       implementation consultant, Travis Void, where you are

 4       assigned on a particular week or month?  How do you

 5       know where to go?

 6   A.  My project manager informs us.

 7   Q.  And how does she inform you?

 8   A.  Via phone call or email.

 9   Q.  Is there a schedule for anything like that that you

10       look at?

11   A.  She would generally send us an email and then we

12       would develop or I would develop an agenda based off

13       of a template of another one.

14   Q.  Okay.  So in this email, what would she typically

15       inform you?  Obviously she would inform you of the

16       client.

17   A.  The client site, the dates they want me to be there,

18       what they want to know.

19   Q.  And when you say what they want to know, you mean the

20       type of training you're to give.

21   A.  Exactly.

22   Q.  So it could be, for example, setup training, it could

23       be conversion training.  She would indicate in the

24       email what type of training it would be.
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1   A.   Exactly.

2   Q.   Okay. And then from that you would develop the

3   agenda from the template?

4   A.   Yes.

5   Q.   Would you need anything other than what she provided

6   to you in the email to develop the agenda from the

7   template?

8   A.   If she provided enough information in the email, I

9   would need to go to the knowledge base to pull up a

10   base agenda and modify it depending on what the

11   client is requesting to be trained on because they

12   may not be requesting everything that's on our base

13   agenda so we have to modify it per client.

14 Q.   Okay. But my question goes to what information do

15   you have to modify the base agenda to meet the

16   client's needs and specifically does that information

17   come from the email that your project manager would

18   send you?

19 A.   Yes. It comes from the email or the phone call.

20 Q.   With the project manager.

21 A.   Yes.

22 Q.   At this point in the process, it's not typical for

23   you to have spoken to the client to assist with your

24   preparation of the agenda.

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1	A.	Right.
2	Q.	And when you use the term agenda, tell me what that
3		means. Is agenda -- because I think of agenda as
4		meaning possibly, you know, the schedule for the
5		trip, or it could mean here are the topics that I'm
6		going to cover, or I suppose it could mean something
7		else. Those are the two examples that I can think
8		about. What's closer to what you meant when you said
9		agenda?
10	A.	It goes over what modules we're going to be training
11		in, and under the module, what programs within the
12		module would we go over.
13	Q.	Does it talk about the schedule for those different
14		tasks?
15	A.	Yes. It'll have, like, Monday, and they'll set a
16		time for the specific task to be completed, and we
17		try to keep it within that time on the agenda.
18	Q.	Who sets the time for the task to be completed?
19	A.	Project manager.
20	Q.	And then you set the agenda to try to accomplish that
21		task within the deadline set by the project manager.
22	A.	Yes.
23	Q.	Do you submit the agenda for approval to the project
24		manager?

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1   A.   Not all the time. Sometimes they'll just tell us to

2   go with what we have.

3   Q.   Do you submit the agenda to the client for approval?

4   A.   Yes.

5   Q.   And is that something that's done before you get to

6   the customer location?

7   A.   Yes.

8   Q.   So you would send it directly via email to the client

9   and say something along the lines of, here's the

10   agenda, here's what we're planning. Does this

11   correspond with your needs?

12   A.   Not does it correspond to your needs, but they get

13   the right people to be in the right place at the

14   right time to match the agenda and to see if we need

15   to make any changes according to their schedule.

16   Q.   So that goes more to the availability of the people

17   who need to be trained.

18   A.   Right.

19   Q.   And the client, obviously, is going to have more

20   information about that than you would.

21   A.   Exactly.

22   Q.   I take it the five different types of support or

23   training that you've listed are all of -- you've

24   performed all of these things in your employment.

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1   A.   Yes.

2   Q.   When you're training regarding setting up the system,

3   I take it you are training a particular segment of

4   the employees of the customers during that training.

5   A.   The setting up of the system?

6   Q.   Yeah. Let me just tell you my thought, and you tell

7   me if I'm wrong, but when you're doing the

8   implementation training or the end user training,

9   you've got to train the people who are actually going

10   to be using the software. My impression is when

11   you're doing the training on setting up the system is

12   that you're training a different group of employees;

13   is that accurate?

14 A.   Yes.

15 Q.   What group of employees are you training when you're

16   training to set up the system?

17 A.   A lot of times it's what we call the functional

18   leaders, those who make the decisions on how it needs

19   to be set up, also the IT department or the

20   information technology department.

21 Q.   Okay. Do you, prior to doing the training regarding

22   setting up the system, need to know about the

23   customer's previous legacy system?

24 A.   We don't necessarily need to know everything about

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1   their previous system. We just need to know how they

2   conducted business.

3   Q.   What's an example of how they conducted business with

4   respect to financial software?

5   A.   How they handle an invoice that comes in.

6   Q.   And when you say how they handle an invoice, you mean

7   where did it get routed, who needed to approve it,

8   those kinds of things?

9   A.   Right. Right.

10 Q.   And so that has less to do with software and more to

11   do with processes.

12 A.   Yes.

13 Q.   And how is it that you get that information from the

14   client? Is that -- I'll leave it at that.

15 A.   That's more of the setup, so that's how we determine

16   how the system needs to be set up based off of how

17   they used to do business and how we can kind of keep

18   it similar.

19 Q.   Right. Keep it similar within the MUNIS software.

20 A.   Yes.

21 Q.   So that's something -- that's information you gather

22   from the client during this setup training?

23 A.   Yes.

24 Q.   Do you know the term systems analysis, system

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 1          analysis?

 2     A.   Yes.

 3     Q.   My understanding, I'll tell you my understanding of

 4          system analysis is, and you can tell me if it's the

 5          same as yours or if I need to change it.  It'll be

 6          pretty basic.

 7          But my understanding of a system analysis is where

 8          someone from Tyler is sitting down with the company,

 9          the customer, and gathering information from the

10          customer about their processes and how they, for

11          example, handle invoices is the example that you

12          used, and gathering that information from the

13          customer.  That's my understanding of a system

14          analysis.  Is that close?

15     A.   It's close.

16     Q.   Okay.

17     A.   It's like an as is.

18     Q.   Okay.  An as is in the sense that you're learning

19          what the customer's legacy system is.

20     A.   Their processes within the legacy system.

21     Q.   Got it.  Got it.  And my question is:  I take it from

22          your testimony that's work that you, as an

23          implementation consultant, performed as part of your

24          job.
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1   A.   Yes.

2   MS. BAGLEY: Object to the form.

3   BY MR. McKEEBY:

4   Q.   And so you, as an implementation consultant,

5   performed systems analysis?

6   A.   Yes.

7   MS. BAGLEY: Form.

8   BY MR. McKEEBY:

9   Q.   Okay.   So during this training regarding setting up

10   the system, you're both training the customer as to

11   Tyler system and gathering information about their

12   processes.

13 A.   Yes.

14 Q.   When you're doing training regarding setting up the

15   system, do you record that exchange of information in

16   any type of report?

17 A.   Yes.

18 Q.   Is that a trip report?

19 A.   It can be, but usually it's on an agenda.

20 Q.   And what do you do with the agenda?

21 A.   Submit it to the project manager.

22 Q.   Is the project manager typically with you when you're

23   doing the setup training?

24 A.   No.

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1   Q.   Okay. All right. Which one did you say? Conversion

2   training.

3   A.   Uh-huh.

4   Q.   Get a new piece of paper. What is conversion

5   training?

6   A.   It's mapping the data showing them what fields they

7   had in their -- what information they currently use,

8   where that is in the new system, in MUNIS.

9   Q.   So when you're doing conversion training, are you

10   also training the functional leaders as you've

11   described?

12 A.   Yes.

13 Q.   Is it typically the same functional leaders that you

14   trained during the system setup training?

15 A.   Yes.

16 Q.   But the conversion training is done at a different

17   phase of the overall training, agreed?

18 A.   I guess if you're referring to this type of phase,

19   it's all still phase one, I believe.

20 Q.   Okay. But it's done without regard to that time

21   sheet and those drop down boxes. It's done after the

22   setup training.

23 A.   Right.

24 Q.   Would it be typical for you to make a separate trip

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1   to do the conversion training?

2   A.   Yes.

3   Q.   Would it be typical for you to do the conversion

4   training for the same client that you had done the

5   system setup training?

6   A.   Yes.

7   Q.   In other words, it would be unusual for you to pick

8   up the implementation process at the conversion

9   training stage.

10 A.   Not unusual.

11 Q.   Okay. Happens sometimes.

12 A.   Yes.

13 Q.   Okay. Now, I understand conversion, apart from

14   conversion training, but conversion to mean moving

15   the data from the customer's legacy system onto the

16   MUNIS system.

17 A.   Yes.

18 Q.   Am I correct that there is a separate department, I

19   mean separate from the implementation department at

20   Tyler, that does the actual conversion?

21 A.   Yes.

22 Q.   So when you're training the client on conversion

23   training, what is it that you're training them on?

24 A.   What fields from the legacy system match up to the

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 1        fields in the MUNIS system.

 2   Q.   And at the time you're doing the conversion training,

 3        has the data from the client's legacy system already

 4        been converted or not necessarily?

 5   A.   No.  That's what we're preparing for.

 6   Q.   Got it.  Okay.  I'm familiar with another concept

 7        through the course of my studies on what

 8        implementation consultants do, and that is

 9        configuration.

10   A.   Uh-huh.

11   Q.   My understanding of configuration is that it has less

12        to do with data movement and more to do with

13        selecting different options within the Tyler MUNIS

14        systems as to what to do with that data.  That's

15        pretty general, but is that your understanding of

16        what configuration is?

17   A.   Yes, setting up parameters.

18   Q.   Setting up parameters is a good way to describe it.

19        And is configuration, as you've just defined it or

20        I've defined it with your systems, is that something

21        that as an implementation coordinator you do?

22   A.   Yes.

23   Q.   And at what stage of the training do you do the

24        configuration?
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1	A.	That can be before and after the conversion so I've
2		been different places where they've done it at
3		different times.
4	Q.	And is it -- when you're doing configuration are you
5		training while you're doing it or you back at the
6		hotel making the selections in the software based on
7		the customer's input?
8	A.	Both. At the hotel, we may get back and look at what
9		we've discovered that day and prepare for the next
10		day, and say, okay, the answer to these questions,
11		their parameters may need to be set like this so
12		we'll set up on maybe a document or set up another
13		agenda for another trip to come out, and then when we
14		have the parameters set up, we actually walk them
15		through and show them, per your request and how you
16		want to do business, these are the parameters that
17		you have to choose from and you can set them up this
18		way to follow this business practice or this way to
19		follow this one and then they decide how they want to
20		set up.
21	Q.	So that's the training component of it?
22	A.	Yes. That's still kind of with the set up because
23		you're training them on how to do the parameters for
24		the end users to use.

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 1   Q.   Right.  Right.  So it's sort of an aspect of set up.

 2   A.   Yes.

 3   Q.   Now, when you're doing the implementation training,

 4        that's where you're training end users?

 5   A.   Yes.

 6   Q.   And is that in kind of a classroom style setting?

 7   A.   Yes.

 8   Q.   And do you as it -- would it be typical for you to

 9        have the Tyler system up on, like, a projection?

10   A.   Yes.

11   Q.   And would it also be typical for the personnel of the

12        customers whom you are training to have laptops?

13   A.   That's what we would like most of the times.

14   Q.   Assuming they have laptops.

15   A.   Exactly.

16   Q.   It makes the training go a lot easier if they have

17        it.

18   A.   Yes.

19   Q.   And when you discussed the agenda a little while ago,

20        help me out here, I think you were talking about that

21        in connection with the setup training, do you do a

22        separate agenda for the implementation training?

23   A.   Yes.

24   Q.   And I take it a separate agenda for the conversion
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1   training as well.

2   A.   Yes.

3   Q.   And is the system or process rather the same in the

4   sense of you are getting information from the project

5   manager, and from that information, you're going to a

6   template that you're modifying to fit the particular

7   customer need?

8   A.   Yes.

9   Q.   And I take it with respect to implementation training

10   as with respect to the other types of training, the

11   project manager is giving you timelines or parameters

12   with which you are to work to get the training done.

13   A.   Yes.

14   Q.   In what -- what does it mean for a customer to go

15   live?

16   A.   To switch from using the training database to now

17   inputting everything into the live database and

18   trying -- I guess you could kind of refer to it as

19   weaning them off of their legacy system.

20   Q.   Okay. And I understood from your previous testimony

21   that you would typically be on site as an

22   implementation consultant during the go live phase.

23   A.   Yes.

24   Q.   How long does that typically last or does it vary?

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1   A.   It varies on the client's size, smaller clients we

2   may do go live -- go live is supposed to be like one

3   day, but after the go live, you have a couple more

4   days to kind of expand. Say, if you run into

5   problems, you can call support and get stuff done.

6   So typically two, three days for go live.

7   Q.   But you also indicated a function called the post

8   live support. Is that different from what you've

9   described?

10   A.   Yes.

11   Q.   We'll talk about that separately.

12   When you're with the client when they're going live,

13   are you typically there by yourself or has the

14   project manager joined you at that point?

15   A.   It's varied because as you noticed before, I've had

16   several different project managers, my current

17   project manager and Sandy were the only two on site

18   during go live.

19   Q.   And is it your understanding that whether or not the

20   project manager is with you on go live is more a

21   function of the project manager's preference than the

22   size of the account?

23   A.   Not sure.

24   MS. BAGLEY: Object to the form.

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1   MR. McKEEBY: What are you doing back here?

2   MS. BAGLEY: I was plugging in. Sorry. My

3   computer died.

4   BY MR. McKEEBY:

5   Q. So you're not sure really what the reason was, but

6   you know that some of your project managers have

7   tended to be with you during the go live phase where

8   other project managers have not.

9   A. Right.

10 Q. And during the go live phase, are you continuing to

11   do training?

12 A. You do because you're constantly answering the

13   questions from end users and some of the functional

14   leads.

15 Q. Okay. But these -- that training is different from

16   the other training that you've described in the sense

17   that it's not based on a schedule or in a classroom

18   setting, agreed?

19 A. It can be. There are instances where even at go live

20   you'll have a classroom where people can come in and

21   ask questions so it does turn into a classroom

22   setting. They'll have a computer lab set up, and

23   they'll say, well, we're going live, we'll have an

24   implementer here to come and ask questions.

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1   Q.   So you have kind of a station where people come to

2        you and ask questions.

3   A.   Yes.

4   Q.   On an as-needed basis?

5   A.   Yes.

6   Q.   Are you also walking around the customer's facility

7        to see how people are doing?

8   A.   As much as possible.

9   Q.   Do you have any documentation responsibilities with

10       respect to the go live support?

11  A.   Other than the trip report.  The project manager does

12       a lot more documentation when it comes to go lives

13       and all the forms that need to be signed by the

14       client.

15  Q.   Okay.  With respect to post live support, that, I

16       take it is, is that done remotely?

17  A.   No.  Well, it depends on how you define that.  Post

18       live support for an implementer, we may go back after

19       go live and just kind of sit around and help them go

20       throughout the process.  Then there's a transition to

21       support.

22  Q.   Okay.  Let's talk first about the post live.

23  A.   Okay.

24  Q.   As I understand it, you're talking about a discreet
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 1      period in which you go back to the client's site

 2      after the go live process has occurred and you

 3      provide assistance.

 4   A. Exactly.

 5   Q. And is that answering questions as they come up?

 6   A. Answering questions, you may do some more training

 7      during that.

 8   Q. And who decides whether or not more training is to be

 9      done?

10   A. That is discussed between the project manager and the

11      client.

12   Q. You ever have any input into those decisions in the

13      sense of --

14   A. Not really, just get told where I need to go.

15   Q. Okay.  Okay.  Do you have any reporting obligations

16      during the post live process?

17   A. Only with issues that come up, so if we have

18      something we have to report to support.

19   Q. Okay.  Then this transition, what'd you call it?

20   A. Transition to support.

21   Q. How long a period of time is that or does it vary?

22   A. A day.  That can be done remotely.

23   Q. Is it typically done remotely?

24   A. As far as my experience, a majority has been remotely
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 1        over the phone.

 2   Q.   And is that contractually set up to be one day?

 3   A.   Yes.

 4   Q.   And is that basically a day in which the customer can

 5        call the implementation consultant with whom it may

 6        be more familiar and ask questions that thereafter

 7        would be handled by the support department?

 8   A.   Yes.

 9   Q.   I take it that requires you to be at the office to be

10        able to field those types of questions.

11   A.   Yes.

12   Q.   Are there -- is this transition to support day

13        something that is in the customer contract that

14        they've paid for or do you know?

15   A.   I don't know.

16   Q.   Is it scheduled in advance with you?  That is, do you

17        know that you're to be at the office on a particular

18        day providing your day of transition to support for a

19        particular client?

20   A.   Yes.  It has happened like that.

21   Q.   And that's because the project manager will tell you,

22        hey, on this date you need to be ready to man the

23        phone.

24   A.   Exactly.
```

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1   Q.   Okay.

2   MS. BAGLEY: You okay.

3   MR. McKEEBY: Yeah. Just getting tired.

4   BY MR. McKEEBY:

5   Q.   Okay. Do you ever get clients who over step the one

6   day period and try to call you and ask you questions

7   after the transition to support day?

8   A.   Yes. There are many emails that come after -- after

9   work.

10 Q.   And have you received any instruction from your

11   supervisors as to how you're to handle those types of

12   inquiries that come in from clients after they

13   supposedly were transitioned to support?

14 A.   Point them to support.

15 Q.   Okay. And that's, I take it, all your project

16   managers have told you that?

17 A.   Yes.

18   MR. McKEEBY: Can we go off the record for just

19   a second? Can I take a two-second break?

20   (Recess taken.)

21   MR. McKEEBY: All right. I'm going to mark a

22   document as, what am I on, 3?

23   THE WITNESS: Yes.

24

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1 A. I've been asked that many times, and I cannot

2   remember. We asked it all going through school.

3 Q. When did you graduate?

4 A. 2005, I think 2005.

5 Q. Do you have a specialization?

6 A. Associate of Applied Science in IT web design.

7 Q. Have you taken any other courses since then, since

8   you graduated I mean?

9 A. Unless we include the forklift training, that's about

10   it.

11 Q. When did you get forklift training?

12 A. I supervised a warehouse, general services, so that

13   was kind of under that umbrella of program assistant.

14 Q. When you were at the City of Durham you mean?

15 A. Yes.

16 Q. Did you get a certification for forklift operation?

17 A. Yes. Yes. Forklift and -- no. I didn't get the

18   Bobcat one, just forklift.

19   MR. McKEEBY: And let me mark one more, Exhibit

20   No. 6.

21   (Deposition Exhibit No. 6 was marked for

22   identification.)

23 BY MR. McKEEBY:

24 Q. Would you agree with me that's the resume that you

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1   submitted to Tyler?

2   A.   Yes.

3   MR. McKEEBY: Okay. I pass the witness.

4   CROSS EXAMINATION

5   BY MS. BAGLEY:

6   Q.   Mr. Void, was your project manager or supervisor

7   aware that you were working more than 40 hours per

8   week some weeks that you worked at Tyler

9   Technologies?

10 A.   I would say yes because she was the one sending me

11   emails and questions.

12   MS. BAGLEY: Okay. I have no further

13   questions. I reserve the right to recall.

14   MR. McKEEBY: No other questions. Thank you.

15   (THEREUPON, THE WITNESS WAS DISMISSED.)

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 1   BY MR. McKEEBY:

 2   Q.   Absolutely.  Do you want to look at this exhibit?

 3   A.   Yes.

 4           MR. McKEEBY:  Let's go off the record for just

 5       a second if that's okay.

 6           (Recess taken.)

 7   BY MR. McKEEBY:

 8   Q.   Okay.  Let me ask you this:  I've given you, with

 9       assistance of your counsel, a little bit more

10       opportunity to review the document I marked as

11       Exhibit 1.

12       Do you need to change any of your answers that you've

13       given so far?

14   A.   No.

15   Q.   All right.  Let me just pick up a random week where

16       you -- well, I do notice that here on this page,

17       which is Bates number 079738, you do have entries

18       that are greater than eight hours.

19   A.   Yes.

20   Q.   Do you know why that is?

21   A.   It was permissible by my project manager because we

22       were both on site for a go live.

23   Q.   I see.  So did you get permission from your project

24       manager to enter in more than the eight hours?
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 1   A.   Yes.

 2   Q.   Was that a general understanding that you had with

 3        your project manager, or was it something that

 4        permission that you received in connection with this

 5        particular training?

 6             MS. BAGLEY:   Object to form.

 7   BY MR. McKEEBY:

 8   Q.   You can answer.

 9   A.   It was with this particular training.

10   Q.   Where was that?

11   A.   Clermont County.

12   Q.   I see it.  Where is Clermont County?  Is that here?

13   A.   Ohio.

14   Q.   I see.  And this was during a go live?

15   A.   Yes.

16   Q.   Do you have any knowledge of whether or not the

17        numbers that you enter into these time sheets relate

18        to how clients are billed for time?

19   A.   Yes.  Cause they're billed per day.

20   Q.   So okay.  They're billed per day is your

21        understanding, correct?

22   A.   Yes.

23   Q.   Did you have an understanding of whether or not that

24        has anything to do with number of hours that you can
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 1          put into the different days?

 2    A.    I'm not sure I understand the question.

 3    Q.    Does the fact that clients are billed on a per day

 4          basis as opposed to an hourly basis have any bearing

 5          on your understanding of the company's practice of

 6          you limiting your hours to eight?

 7    A.    Yes.  For eight, I would do a day, for four hours, it

 8          would be half a day.

 9    Q.    All right.  I'll go back to selecting my random week

10          here.  Let's choose the week of April 4th, 2010,

11          which is Bates number 079739.  It looks like on

12          Sunday you had to travel for four hours.

13    A.    Yes.

14    Q.    And that's billed to the client, correct?

15    A.    Yes.

16    Q.    And then Monday, Tuesday and Wednesday you did

17          training phase one at the client.

18    A.    Yes.

19    Q.    And, again, this is Clermont County in Ohio.

20    A.    Yes.

21    Q.    And then Thursday was weekday travel.

22    A.    Weekday and half day.

23    Q.    And you did half day of training.

24    A.    Yes.
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EXHIBIT 9